

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension or)
Revocation of the Educator Certificate)
of Fred Devon Stephens)
Certificate 091956)

**CONSENT ORDER OF
VOLUNTARY SURRENDER**

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on December 12, 2007. On September 27, 2007, the South Carolina Department of Education (SCDE) sent Fred Devon Stephens notice of his right to a hearing before the State Board concerning the possible suspension or revocation of his South Carolina educator certificate 091956 by certified mail, return receipt, restricted delivery, and regular mail. Upon receipt of that letter, Mr. Stephens requested a private hearing, but subsequently agreed to waive his right to a hearing and to voluntarily surrender his certificate. After considering the evidence presented, the State Board voted to accept the voluntary surrender of Mr. Stephens' certificate.

Fred
Devon
Stephens
091956
FD
Initials
12-7-07
Date

FINDINGS OF FACT

Mr. Stephens holds a professional educator certificate in Administrator, Biology, Driver Training, Elementary Principal, Health and Physical Education, Secondary Principal and Superintendent, and has over thirty-three years of teaching and administrative experience. He retired from Lee County School District One (District) on December 30, 2005. Mr. Stephens previously held the

position of Director of Program for Exceptional Children from July 2002 until June 30, 2005, when he assumed the Assistant Principal position. Mr. Stephens served as a biology teacher at Lee Central High School from September 12, 2005, until his retirement.

Mr. Stephens also held the position of Municipal Judge for the Town of McBee in addition to his employment. On June 14, 2006, the State Grand Jury indicted Mr. Stephens on two counts of Common Law Official Misconduct in Office. The Indictment alleges that Mr. Stephens failed to enforce the laws of South Carolina in a manner consistent with the duties of his office by assisting certain persons charged with crimes to avoid prosecution by surrendering property (automobiles and/or currency) to the Town of McBee, in exchange for the dismissal of criminal charges against them. On March 30, 2007, Mr. Stephens pled guilty to Common Law Misconduct In Office and was sentenced to five years in prison, provided that upon the service of 90 days, the balance of the sentence would be suspended with probation for three years. On April 2, 2007, Mr. Stephens began serving his sentence. Mr. Stephens completed serving his sentence on May 30, 2007, and is now on probation.

Fred Devon Stephens 021956 2DS Initials 12-7-07 Date

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004); 24 S.C. Code Ann. Regs. 43-58 (1991). Just cause includes unprofessional conduct. S.C. Code Ann. § 59-25-160 (2004). The State Board finds that there is

sufficient information to support its decision that just cause exists to accept the voluntary surrender of Fred Devon Stephens' certificate. At the end of ~~three~~ ^{90 days} his Probationary Period years from the date of this Order, Mr. Stephens may reapply for a South Carolina educator certificate, provided he meets all current certification requirements. The decision to reinstate or reissue a certificate shall be within the sole discretion of the State Board. If the State Board considers an application for a South Carolina educator certificate in the future, the State Board shall have access to the entire investigative file in this matter. This Consent Order of Voluntary Surrender is a public document and this action shall be reported to the National Association of State Directors of Teacher Education and Certification clearinghouse and to all South Carolina School Districts.

Fred
Devon
Stephens
001956
FD
Initials

12-2-07
Date

South Carolina State Board of Education

John E. Tindal
John E. Tindal, Chair

Columbia, South Carolina
December 12, 2007

I, Fred Devon Stephens, have read the above Consent Order of Voluntary Surrender and I freely and voluntarily agree to the terms set forth therein. I understand that this Order will be presented as signed to the State Board on December 12, 2007.

Fred D. Stephens
Fred Devon Stephens

Subscribed and sworn to before me this 12 day of Dec., 2007.

Wm. D. [Signature]
Notary Public for South Carolina
My Commission Expires: 3-1-12